

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DENNIS K. SADBERRY,

Petitioner,

vs.

JACK PALMER, et al.,

Respondents.

3: 10-cv-0498-ECR-RAM

**ORDER**

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner is proceeding *pro se*. Although petitioner has submitted a financial certificate, he has failed to simultaneously submit either a motion for leave to proceed *in forma pauperis* or payment of the \$5.00 filing fee. Petitioner shall be sent a motion for leave to proceed *in forma pauperis* form, should he wish to apply for pauper status, and alternatively given an opportunity to pay the requisite filing fee.

**IT IS THEREFORE ORDERED** that the Clerk shall send to petitioner a new motion for leave to proceed *in forma pauperis* form and instructions therefor. Petitioner shall have **thirty (30) days** from the date of entry of this order within which to file a motion for leave to

1 proceed *in forma pauperis*. It is not necessary for petitioner to submit another financial certificate.  
2 Alternatively, petitioner shall have **thirty (30) days** from the date of entry of this order within which  
3 to have prison officials deduct from his prison account and send to the Clerk of Court the full \$5.00  
4 filing fee. Failure to do so will result in the dismissal of this action.

5 DATED this 18 day of October, 2010.

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7 UNITED STATES DISTRICT JUDGE  
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